

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY LEE SMITH, #482999,
EDWARD JAMES CROMER, #211902,
RONALD L. TURNER, #955090,
BRANDON JASON FLAKES, #603408,
KEVIS SARDIN, #104070,
JAMES PERRY, #637968,
JAMES JACKSON, #477836, and
ELIJAH MADLOCK, #515097,

Plaintiffs,

Case No. 1:17-cv-285

v.

Honorable Paul L. Maloney

DIANE WASHINGTON, et al.,

Defendants.

ORDER

This is a civil rights action brought by eight state prisoners pursuant to 42 U.S.C. § 1983. On April 6, 2017, the Court entered an order notifying six Plaintiffs (Plaintiffs Smith, Turner, Flakes, Sardin, Perry, and Madlock) of their deficiencies (ECF No. 3), because those Plaintiffs had failed either to pay their \$43.75 portions of the \$400.00 civil action filing fee or to file the documents required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed 28 days for the six Plaintiff to comply. Plaintiffs were warned that if they failed to comply, the Court would presume that they were not proceeding *in forma pauperis*, assess on each their proportionate share of the filing fee, and dismiss their portion of the case for want of prosecution.

More than 28 days have elapsed. Plaintiffs Smith, Turner, Flakes, Sardin, and Madlock complied with the order by filing the documents necessary to proceed *in forma pauperis*,

and the Court, by order issued on May 10, 2017, (ECF No. 15), granted their motions to proceed *in forma pauperis* and for payment of the filing fee in installments. Plaintiff Perry, however, failed either to pay his \$43.75 portion of the civil action filing fee or to submit the requisite documents to apply to proceed *in forma pauperis*. Because Plaintiff Perry has wholly failed to comply with the Court's order, the Court will issue a judgment dismissing the case without prejudice for lack of prosecution. *See In re Alea*, 286 F.3d 378, 380-81 (6th Cir. 2002); *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997). Therefore,

IT IS ORDERED that Plaintiff Perry's claims be DISMISSED WITHOUT PREJUDICE for lack of prosecution. Plaintiff Perry shall remain liable for payment of his \$43.75 portion of the civil action filing fee.

Dated: May 25, 2017

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge